

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America
v.
SAMY MOHAMED HAMZEH

Case No.

16-M-025

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 1/25/2016 in the county of Kenosha in the
Eastern District of Wisconsin, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(o)(1)

Unlawfully possessing a machinegun.

26 U.S.C. § 5861(d)

Unlawfully receiving and possessing firearms not registered to him in the National Firearms Registration and Transfer Record.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

Jonathan T. Adkins, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

Jan 26, 2016

City and state: Milwaukee, Wisconsin


Judge's signature

David E. Jones, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Jonathan T. Adkins, being duly sworn, hereby deposes and says:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), currently assigned to the Milwaukee Field Office, Joint Terrorism Task Force (JTTF). I have been with the FBI since 2003. Prior to becoming a Special Agent with the FBI, I was a Commissioned Officer in the U.S. Army for approximately eight years. Because the information outlined herein is provided for the limited purpose of establishing probable cause, this affidavit does not exhaustively contain each and every fact and detail of which I and other law enforcement officers are aware relating to this investigation.
2. Myself and other agents have been investigating SAMY MOHAMED HAMZEH for threats made by HAMZEH toward persons within the United States and elsewhere since September 2015. Based on that investigation, the FBI learned from a confidential human source (hereinafter referred to as "CHS") that in October 2015, HAMZEH planned to travel to Jordan, enter the West Bank, and conduct an attack on Israeli soldiers and citizens living in the West Bank. HAMZEH abandoned these plans for family, financial, and logistic reasons. Thereafter, HAMZEH refocused his plans on an attack in the United States. HAMZEH has engaged in extensive discussions with two CHSs. These discussions have been monitored and recorded by the FBI since October 2015.
3. On January 19, 2016, HAMZEH and the two CHSs traveled to a local firearm shooting range and practiced shooting a handgun. After leaving the range, HAMZEH and the CHSs traveled to a Masonic Center in Milwaukee and were provided a tour of the facility. Thereafter, also on January 19 and into the early morning of January 20, 2016, HAMZEH discussed with the CHSs his plans to attack the Masonic Center. During this meeting, which was recorded and subsequently translated from Arabic to English, HAMZEH made the following statements:

- a. "We want two machineguns, you now have one, so we want two more, and we need three silencers, that's it. Find out how much all together these will cost, then we will march."
- b. "... each one has a weapon, each one has a silencer gun, the operation will be one hundred percent successful. I am telling you, to go without silencer gun, you will be exposed from the beginning."
- c. "...one of us will stay at the door at the entrance and lock the door down, he will be at the main door down, two will get to the lift up, they will enter the room, and spray everyone in the room. The one who is standing downstairs will spray anyone he finds. We will shot them, kill them and get out. We will walk and walk, after a while, we will be covered as if it is cold, and we'll take the covers off and dump them in a corner and keep on walking, as if nothing happened, as if everything is normal. But one has to stand on the door, because if no one stood at the door, people will be going in and out, if people came in from outside and found out what is going on, everything is busted."
- d. "I am telling you, if this hit is executed, it will be known all over the world....Sure, all over the world, all the Mujahedeen will be talking and they will be proud of us, what is wrong with you, such operations will increase in America, when they hear about it. The people will be scared and the operations will increase, and there will be problems all over, because more than one problem took place, and this will be the third problem, this will lead to people clashing with each other. This way we will be igniting it. I mean we are marching at the front of the war."
- e. "We are Muslims, defending Muslim religion, we are on our own, my dear, we have organized our own group. We have our own group, not with Hamas, not with my ass, we

are here defending Islam, young people together join to defend Islam, that's it, that is what our intention is."

- f. "As long as the one on the door, understands he has bigger responsibility than the others. For your information, he has to take care of everyone around him, the comers and the one that wants to go, he has to annihilate everyone, there is no one left, I mean when we go into a room, we will be killing everyone, that's it, this is our duty, as for the one at the door, he must have 20/20 eye vision and always alert for all the traffic around him."
- g. "I am telling you, as I was saying; all three of us get in together, one will go, to the one that is staying at the reception....if she was alone, it is okay, if there were two of them, shoot both of them, do not let the blood show, shot her from the bottom, two or three shots in her stomach and let her sit on the chair and push her to the front, as if she is sleeping, did you understand? Then stay downstairs, the other two will take the lift, to the third floor, go directly to the room, open the door, shoot everyone, move fast even avoiding the lift and take the stairs running down....Using the stairs, the third one on the door will notice us coming down, we will go out together. No one sees anything and no one knows anything. We leave, as if there is nothing, no running, no panic, just regular walking. We'll get three head covers with three holes in them.... we'll get in all three of us together, the minute we get in, we shoot whoever is in front of us, and all have to be eliminated. One stays down and two will go up quickly."
- h. " And we will eliminate everyone."
- i. "We want two, like the machinegun you have....And we need silencers....Three, yes three, silencers, and that's it."

- j. "They are all Masonic; they are playing with the world like a game, man, and we are like asses, we don't know what is going on, these are the ones who are fighting, these are the ones that needs to be killed, not the Shi'iat, because these are the ones who are against us, these are the ones who are making living for us like hell."
 - k. "Thirty is excellent. If I got out, after killing thirty people, I will be happy 100%....100% happy, because these 30 will terrify the world. The mother fuckers will know that nobody can play with Muslims. "
4. On January 25, 2016, HAMZEH met with 2 FBI Under Cover Employees (UCE) for the purpose of purchasing fully automatic weapons (machineguns) and silencers. The UCEs displayed the weapons and one silencer to HAMZEH, explained the selector function of the weapons, and that the weapons were capable of fully automatic fire. HAMZEH and the UCEs agreed upon a price and HAMZEH delivered the cash money to the UCEs. After the exchange of money HAMZEH took possession of a bag containing the automatic weapons and silencer, carried the bag to the vehicle in which HAMZEH had travelled to the meet, and placed the bag in the trunk of the vehicle.
 5. HAMZEH was placed under arrest and the bag containing the automatic weapons and the silencer were recovered from the trunk of the above referenced vehicle.
 6. FBI Special Agents, who are also FBI trained and certified firearms instructors, test fired the weapons on January 23, 2016 and determined both to be fully functioning select fire weapons, which can be fired in both fully-automatic and semi-automatic modes.
 7. Neither of the automatic weapons nor the silencer purchased by HAMZEH on January 25, 2016, were registered to HAMZEH in the National Firearms Registration and Transfer Record.

8. Based on the foregoing I respectfully submit there is probable cause to conclude that SAMY MOHAMED HAMZEH is guilty of violating Title 18, United States Code, Section 922(o)(1) for unlawfully possessing a machinegun, and Title 26, United States Code, Section 5861(d), for unlawfully receiving and possessing firearms (machineguns and silencer) as defined at Title 26, United States Code, Section 5845, which are not registered to him in the National Firearms Registration and Transfer Record.